

Approved For Release 2002/10/30 : CIA-RDP86-00101R000100020018-3
Honorable Thomas P. O'Neill, Jr.

The Speaker of the House of Representatives
Washington, D. C. 20515

Dear Mr. Speaker:

There is forwarded herewith a draft of legislation "To amend chapter 79 of title 5, United States Code, to authorize the establishment of a health care program which will provide for physical examinations and immunizations for employees and their dependents assigned overseas and for the payment of travel expenses and the cost of treatment of an illness or injury incurred by an employee or his dependents while assigned abroad under certain circumstances."

This proposal is part of the legislative package required to implement the recommendations of the Interagency Committee on Overseas Allowances and Benefits. This Committee, which was composed of top officials from the 20 agencies with overseas employees, totally reviewed the allowances and benefits provided overseas employees and recommended changes to assure equity and uniformity in the future administration of the system.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress.

Purpose of the Legislation

During the course of the study alluded to above, it was observed that there was a wide diversity of legislative authority governing medical and health

care to the various agencies having civilian personnel assigned in foreign areas. This diversity of authorization results in considerable differences between agencies regarding level of medical benefits provided employees and their dependents.

The Committee recognized the desirability of providing, at Government expense, a reasonable minimum level of benefits to all employees serving abroad taking into consideration the protection of both the employer and the employee, the overseas health environment, and the needs of the Government.

This proposed bill will authorize the head of each agency to establish a health care program which will provide for pre-embarkation physical examinations for employees and their dependents; periodic examinations while overseas where local environmental health conditions warrant; end of tour physical examinations for employees; necessary immunizations; treatment of employees and their dependents for conditions sufficiently serious to cause hospitalization as judged by competent medical authority and incurred as a consequence of unusual or hazardous circumstances of the overseas stations; and round trip transportation or payment of travel expenses to obtain necessary treatment when employees or their dependents suffer an illness or injury requiring medical care which is not available at the post of duty outside the United States to which the employee is assigned or detailed.

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This health care program is designed to assure Government agencies of having medically sound employees and dependents assigned to overseas stations; to maintain employees physically fit for duty; to preclude inappropriate assignment of employees and dependents to areas for which they have medically contraindicated conditions; to protect employees and dependents through appropriate inoculations to assist employees and dependents stationed abroad in obtaining medical services for conditions related to the overseas assignment; to assure access to and from adequate sources of medical care thus reducing pain and suffering and permitting timely and proper diagnosis and treatment of medical conditions for employees and dependents.

Under Title 22, USC 1156-1158, the Foreign Affairs Agencies are currently authorized to provide a health care program similar to that described above to employees and their dependents. Through special legislation or annual appropriation acts, a few of the non-foreign service agencies are also authorized to provide this level of benefits to employees and their dependents. However, other agencies, notably the Department of Defense, have available to them only the discretionary authority provided under 5 USC 7901 to establish health services programs. These programs can provide only rudimentary benefits limited to "first aid" services or treatment of occupationally-related illness or injury for employees only. These agencies have no authority to provide medical services for dependents.

The net result of this discrepancy is considerable inequity between overseas employees of the various agencies and the inability of some Federal agencies to provide to overseas employees and dependents a level of health care equivalent to that available in the United States.

This bill is designed to correct this inequity by authorizing uniform medical benefits for all employees assigned abroad. The level of benefits provided is that which was considered by a medically-oriented task force to be the minimum necessary to provide protection to both employees and the Federal Government.

Assurance of adequate health and medical care is essential to our ability to attract and retain well-qualified employees to our positions overseas.

We urge that the Congress give early, favorable consideration to this proposal.

Cost and Budget Data

To be supplied by agencies.

A BILL

To amend Chapter 79 of title 5, United States Code, to authorize the head of each agency to establish a health care program which will provide for physical examinations and immunizations for employees and their dependents assigned overseas and for the payment of travel expenses and the cost of treatment of an illness or injury incurred by an employee or his dependents while assigned abroad under certain conditions.

1 Be it enacted by the Senate and House of Representatives of the
2 United States of America in Congress assembled, That title 5, United
3 States Code, is amended by inserting the following new section in
4 chapter 79:

5 "§ 7904. Overseas Health Programs

6 "SEC. 1. For the purpose of this section

7 "(1) 'employee' means an employee as defined by section 2105
8 of title 5;

9 "(2) 'dependent' means--

10 "(A) the spouse of an employee; and

11 "(B) an unmarried child of the employee, including
12 an adopted child, who either--

13 "(i) has not passed his twenty-first birthday;

14 "(ii) in the case of a stepchild, foster child, or
15 recognized natural child, lives with the employee in a

1 parent-child relationship and has not passed his twenty-
2 first birthday; or

3 "(iii) is incapable of self-support because of a
4 mental or physical incapacity that existed before he
5 reached his twenty-first birthday;

6 "(3) 'United States,' in geographic sense, means States,
7 District of Columbia, Canal Zone, territories, possessions of
8 the United States and the Commonwealth of Puerto Rico;

9 "(4) 'Agency' has the meaning given it by section 5721 of
10 this title.

11 "SEC. 2. Under regulations prescribed by the head of an agency,
12 physical examinations and immunizations shall be provided for employees
13 and their dependents traveling to a post outside the United States as a
14 result of the employee's permanent or temporary duty assignment and under
15 orders issued by the agency. The head of an agency may authorize,
16 where local health conditions warrant, periodic examination, immuniza-
17 tion and inoculation of employees permanently or temporarily assigned
18 to a post outside the United States and their dependents as part of a
19 program of on-going preventive medicine.

20 "SEC. 3. Under regulations prescribed by the head of an agency,
21 payment for the cost of treatment of an illness or injury incurred by a
22 United States citizen employee of the agency or his dependent while such
23 individual is permanently or temporarily assigned to a post outside the
24 United States, shall be made if that illness or injury--

1 "(1) is sufficiently serious to cause hospitalization as
2 judged by competent medical authority;

3 "(2) is the result of the unusual or hazardous medical
4 risk circumstances of the overseas location; and

5 "(3) is not the result of vicious habits, intemperance or
6 misconduct on the employee's or his dependent's part.

7 "SEC. 4. Under regulations prescribed by the head of an agency,
8 payment of the travel expenses of a United States citizen employee of
9 the agency or his dependents to and from the nearest locality where
10 suitable medical care can be obtained shall be made by whatever means
11 the head of the agency considers appropriate, including the furnishing
12 of transportation if--

13 "(1) the individual is permanently or temporarily assigned
14 to a post outside the United States where there is no qualified
15 person or facility to provide suitable medical care; and

16 "(2) the illness or injury is not the result of vicious habits,
17 intemperance, or misconduct on the employee's or his dependent's
18 part.

20 Payment may also be made under such regulations for the round trip
21 travel expenses of attendants for persons covered by this section who
22 are too ill to travel unattended, or for a dependent too young to travel alone.

1 "SEC. 5. Provisions of this Act apply notwithstanding any other
2 provision of law, except Part E, Subchapter IX, chapter 14 of title 22."

SECTION ANALYSIS

This bill would amend title 5, U.S. Code to authorize the head of each agency to establish a health care program which will provide for physical examinations and immunizations for employees assigned overseas and their dependents and for the payment of travel expenses and the cost of treatment for an illness or injury incurred by employees assigned abroad and their dependents under certain conditions.

The proposed new section 7904 consists of five paragraphs as follows:

Paragraph 1 provides definitions of several terms used in this section;

Paragraph 2 would authorize physical examinations and immunizations at Government expense for employees and their dependents prior to their departure for an assignment abroad. It would also authorize periodic examinations and immunizations of employees and their dependents during an assignment abroad where local health conditions warrant;

Paragraph 3 would authorize payment for the cost of treatment of an illness or injury incurred by employees and their dependents while assigned to a post of duty outside the United States under certain prescribed conditions;

Paragraph 4 would permit the provision of transportation or the payment of travel expenses when United States citizen employees or their dependents suffer an illness or injury requiring medical care which is not available at the post outside the United States to which the employee is assigned. It authorizes the payment of travel expenses or the furnishing of transportation for the stricken person to the nearest place where adequate medical care can be obtained. It would apply as well to return travel to the post of duty upon recovery of the person. This paragraph also would permit the payment of round trip travel expenses of an attendant(s) if the stricken person is too ill to travel unattended or is too young to travel alone.

Paragraph 5 would permit employees of the Foreign Affairs Agencies (State, USIA, USIS, AID, etc.) to continue to enjoy the same level of benefits currently provided under title 22, U.S. Code, which, in some cases, because of the nature of the employment, exceed the benefits provided employees of other agencies by this bill.